REMARK

Applicant respectfully requests reconsideration of this application. Claims 1-5, 7-10, 14-18, 23-27, 29-32, and 36-40 remain in the application. Claims 1 and 23 have been amended. No claims have been canceled or added.

Rejections under 35 U.S.C. § 103(a)

Applicant's claims 1-5, 7-10, 14-18, 23-27, 29-32, and 36-40 have been rejected under 103(a) as being obvious over Bimm et al., U.S. Patent No. 6,901,440 in view of Hara et al., U.S. Patent 6,738,812. Applicant does not admit that Bimm or Hara is prior art and reserves the right to swear behind either reference at a later date. Nonetheless, Applicant respectfully submits that the combination does not disclose each and every element of the invention as claimed in claims 1-5, 7-10, 14-18, 23-27, 29-32, and 36-40.

Bimm discloses a service activation architecture to provision and activate requested service components in a large scale data network (Bimm, col. 3, lines 20-25). The architecture comprises an order system that receives service activation requests from a service provisioning system (Bimm, Fig. 8, col. 4, lines 21-29). The order system splits the requests into individual service components that are forwarded to one or more domain managers via a peer manager (Bimm, Fig. 8, col. 12, lines 1-9; col. 13, lines 22-25). A domain manager manages the network elements associated with a particular domain of the network through one or more element management systems (Bimm, col. 16, lines 15-20). Thus, Bimm's service activation architecture forwards service components from an order processing system through a peer manager to domain managers in order to provision service components in the network elements. However, Bimm does not disclose that Bimm's element management systems communicate with each other or that the element management systems host peer services.

Hara discloses a switch comprising multiple communication servers, with one of the servers being a master server and the others servers are slave servers (Hara, Fig. 1, col. 4, lines 1-7). A network management station (NMS) manages the switch by sending management requests to the master server (Hara, col. 4, lines 37-45). The master server, in turn, relays these requests to the appropriate slave server (Hara, col. 4, lines 37-45). The slave server responds to the NMS request via the master server (Hara, col. 4, lines 46-54). However, the slave server do not communicate among each other and only communicate through the master server (Hara, col. 4, lines 46-54).

Applicant respectfully submits that the combination of the service architecture of Bimm with Hara's master/slave communication servers would not teach Applicant's invention as claimed in claims 1-5, 7-10, 14-18, 23-27, 29-32, and 36-40. The combination would have Bimm's order system communicate service components to domain managers through the peer manager. The domain managers would further send the service components to a master element management system, which would in turn send the service components to a slave element management system. However, the combination does not disclose the slave element management systems communicating with each other, much less the slave element management systems having a peering service that can forward requests to other slave element management systems.

In contrast, Applicant claims in claim 1, as amended, "... a plurality of element management servers to manage a set of network elements, one of said plurality of element management servers to be designated as the master server, said master server to determine which of said plurality of element management servers to manage each of said set of one or more network elements; and a peered service resident on each of said plurality of element management servers to handle a request from a client, wherein the peered service on one of the element management servers can forward the request to the peered service on another element management server."

Furthermore, claim 23, as amended, requires, "... pooling a plurality of element management servers, said plurality of element management servers to manage a set of network elements; designating a master server from said plurality of element management servers, said master server to determine which of said plurality of element management servers to manage each of said set of network elements; and receiving a request from a client, said request to be handled by a peered service resident on each of said plurality of element management servers, wherein the peered service on one of the element management servers can forward the request to the peered service on another element management server."

The above quoted limitations are not described or suggested by the combination. While there are various uses for the invention as claimed, several such uses are discussed at paragraphs 0046-0049. Thus, while the invention is not limited to the uses discussed in these paragraphs, it should be understood that the combination of Bimm and Hara does not enable these uses and the above quoted limitations do.

For at least these reasons, Applicant respectfully submits that the independent claims are allowable. The Applicant respectfully submits that the dependant claims are allowable for at least the reason that they are dependent on an allowable independent claim.

Conclusion

Applicant respectfully submits that the rejections have been overcome by the amendments and remarks, and that the Claims as amended are now in condition for allowance. Accordingly, Applicant respectfully requests the rejections be withdrawn and the Claims as amended be allowed.

Invitation for a telephone interview

The Examiner is invited to call the undersigned at 408-720-8300 if there remains any issue with allowance of this case.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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